

(Criminal Jurisdiction)

PRESENT

CRIMINAL ORIGINAL PETITION No.5932 of 2020

[PETITIONER / ACCUSED]

STATE BY

INSPECTOR OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHIPURAM DISTRICT.
CR.NO.6 OF 2020.

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

The petitioner herein faces accusation in Crime No.6 of 2020, for the alleged offenses punishable under Sections 120(B) of IPC., r/w. Section 25(1A) of Arms Act, Section 9(B)(1)(b) of Explosives Act, 1884, and apprehending arrest at the hands of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as disclosed in the FIR is that the defacto complainant, the Inspector of Police from the respondent police station, while on patrol with a constable, a certain person came riding in a motorcycle with a carton, and when on suspicion, the defacto complainant wanted the rider of the motorcycle to stop, he fled away and was chased by the Investigating Officer and caught. Then, the carton was examined and it contained explosive substances. The rider of the motorcycle was identified as A1, and he disclosed that A2, A3, A4, who are all belonged to a certain gang of criminals, have conspired for the murdering another person from the rival gang, that they have left some explosives with A5, who was also in the prison, and that in order to meet A5 who was in judicial custody, and to know the whereabouts of the explosives, A1 was informed to meet A9, the present petitioner, who was a practising advocate, that he would help A1 to communicate with A5, and on the advise of the present petitioner, A1 had met A5, and came to know the place where the explosives were hidden by A5, and with the help of A9, the present petitioner, explosives are to be handed over to A7 and A8, /services/enquiry/in/hoservices/der of a certain person belonging to rival gang.

3. The learned counsel for the petitioner submitted that this is the second application for anticipatory bail and that A10 has already been enlarged on bail. He further submitted that the petitioner being a practising lawyer, his implication has seriously affected his practice and that the petitioner has not been practising for the past two months now. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) supported the case of the prosecution in terms of the FIR and opposed for the grant of anticipatory bail to the petitioner.

5.It must be seen that the earlier petition in Crl.O.P.No.1087 of 2020 was dismissed on 03.02.2020 but, till date the investigating agency has not arrested the petitioner. The conduct of the petitioner shows that at least he wants to submit himself to the judicial process and co-operate with the investigation. Hence, this Court deems it appropriate to grant anticipatory bail to the petitioner subject to following conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kanchipuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Vellore and report before the Judicial Magistrate II, Vellore daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e]on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE JUDICIAL MAGISTRATE,
NO.II, VELLORE

CC to M/S.A.SARANRAJ Advocate on payment of necessary charges
Sr.5160

CRL OP.5932/2020

Date :13/03/2020

RVR 23/03/2020

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